

In the
**United States District Court for the
 Northern District of Illinois, Western Division**

FILED

JAN 31 2008

James Russell Johnson,
Plaintiff;

- V. -

State of Illinois,
Winnebago County Sheriff:
Richard Meyers
420 West State Street
Rockford, Illinois. 61101;
Defendant,

File Number 2008C50002

Notice of Appeal

MOTION TO PROCEED
 IN FORMA PAUPERIS

MICHAEL W. DOBBINS
 CLERK, U.S. DISTRICT COURT

Affidavit in Support of Motion Instructions

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: January 30, 2008

Date: James Russell Johnson

Mr. James Russell Johnson

M.I.D.# 1716

650 West State Street

Rockford, Illinois. 61101.

My issues on appeal are:

- (i.) Probable Cause;
- (ii.) Due Process of law;
- (iii.) Equal Protection of Law;
- (iv.) Cruel and Unusual Punishment/Excessive Bail;

Failure to include any issue(s) herein does not constitute any waiver thereto.

1. The Plaintiff - Appellant is currently under an illegitimate Pretrial imprisonment, as being affected by the Respondent - Appellee under color and guise of legitimate State of Illinois law and procedure. The Respondent - Appellee is only being able to perfect such action in that the Plaintiff - Appellant is a poor person, In Forma Pauperis, and cannot retain Counsel to represent [him] to secure [his] Constitutionally protected rights, liberties and interests.

The Plaintiff - Appellant has been injured and ill for a period in excess of five (5) years, without any substantial income. The Plaintiff - Appellant further now had received:

- a.) Illinois Public Aid Assistance; *\$154.00 a month up until 11-25-08.*
- b.) Has applied for Social Security Disability Benefits; *Pending.*
- c.) Receives Low income Energy Assistance to Pay utility expenses; *Up to 11-25-08;*
- d.) Receives Rental Assistance via City of Rockford Human Services Programs;

2. Employment history up until February 28, 2003:

Owner and Operator of own business:

"Paralegal Research, Investigation & Preparation"
State of Illinois, Winnebago County License Number 021265
7057 Wheatland Terrace
Cherry Valley, Illinois. 61016.

3. The Plaintiff - Appellant is divorced and has no additional income.

4. The Plaintiff - Appellant does not have any equitable assets, real, personal or otherwise.

The Plaintiff - Appellant(s) home has been burglarized since [his] illegitimate incarceration. The Respondent-Appellee(s), or their agents, employees or personnel, duly refuse to allow charges to be filed by the Plaintiff - Appellant against the perpetrators due to the Plaintiff - Appellant's illegal imprisonment.

5. The Plaintiff - Appellant is NOT a prisoner, per se. The Plaintiff - Appellee is an illegally detained PRE-TRIAL detainee.

6. That due to a serious personal injury against this Plaintiff - Appellant upon February 28, 2003, a judgment in an amount of \$300,000.00 had been awarded to the Plaintiff - Appellant upon January 24, 2004, within Dekalb County Illinois 16th Judicial Circuit Case 2003-L -27. The Plaintiff - Appellant has private civil attorney(s) working that case upon consignment.

Whom are:

Lowery & Associates, L.L.C.
Attorney Timothy Lowery and John Withall
333 West Wacker Drive - Suite 420
Chicago, Illinois. 60606.
(312) 460-8788

The Plaintiff - Appellant is to receive said judgment / settlement monies within the summer of 2008. A sum of \$300,000.00 at 9% per diem interest, per annum, beginning from the date of 01-24-04;

7. *State the persons who rely on you or your spouse for support:*

a.) Katherine Kotrba. Age: Seventeen. Daughter;

b.) Kayla Hooper. Age: 16. Daughter.

8. *Estimate the average monthly expenses of you and your family.*

Rent or home mortgage payment \$650.00

There are no real estate taxes included.

Property insurance is not included.

Utilities (electricity, heating fuel, water, sewer, and Telephone)

Gas: \$180.00 a Month

Electric: \$210.00 a Month

Water/Sewer/Garbage: \$56.00 a month (pro-rated)

Telephone: \$200.00 a month;

Home maintenance (repairs and upkeep) \$100.00 a Month average;

Food: \$154.00 a month; (Dog Food: \$30.00 a month;)

Clothing: \$100.00 a month ???;

Laundry: \$100.00??? a month;

Medical/Perscription: \$1,100.00+ a month

Transportation/Gas: \$50.00+ a month

Recreation, entertainment - Cable, movies, etc.: \$40.00 a month;

Renter's Insurance: \$12.00 a month;

Life Insurance: \$30.00 a month;

No Health insurance - dropped by carrier;

No Motor Vehicle owned by Plaintiff - Appellant;

Child support paid: \$400.00 a month;

All expenses indictaed herein, unless otherwise indicated, are monies borrowed and carried by Plaintiff-Appellant's parents and family until aforementioned judgment/settlement monies are received when it is to be then repaid.

i.e. Parents: Dianna and Bill Aylward 815-332-5654;

Sister: Deborah and Alan Chouinard 815-484-5284;

Sister: Ivory and Jack Bergeron 913-441-3477;

Brother: Timothy and Nanette Johnson 815-227-5326;

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months? No

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case?

Yes, if one can or will take it upon contingency, or if the Court will appoint one to be paid upon contingency when the Plaintiff-Appellant's judgment-settlement monies are received later this year; Attorney and amount to be determined by this Honorable Appellate Court.

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11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Unknown at this time.

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

Because I have been ill with hypothyroidism/hashimoto's disease, after being poisoned.

13. State the address of your legal residence.

James Russell Johnson
1321 12th Avenue
Rockford, Illinois. 61104.

Your daytime phone number: (815) 243-1727 Message line - Lola

Your age: 41 years of age;

Your years of schooling: 20+

Date: January 30, 2008

/s/ James Russell Johnson

Mr. James Russell Johnson,
Plaintiff/Detainee/Appellant
M.I.D.# 1716
650 West State Street
Rockford, Illinois. 61101.